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DRAFT REPORT OF THE COMMISSION

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* Documents E/CN.4/1994/L.10 and addenda contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, are contained in documents E/CN.4/1994/L.11 and addenda.

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XVII. REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FIFTH SESSION

1. The Commission considered agenda item 17 at its 23rd to 26th meetings, on 15 and 16 February, at its 55th meeting, on 4 March, and at its 64th meeting, on 9 March 1994.

2. The Commission had before it the following documents:

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45);

Report of Mr. Awn Al-Khasawneh, Chairman of the Sub-Commission at its forty-fifth session, prepared in accordance with paragraph 12 of Commission resolution 1993/28 and Economic and Social Council decision 1993/261 (E/CN.4/1994/70);

Report of the Secretary-General on the draft programme of action for the prevention of traffic in persons and of the exploitation of the prostitution of others (E/CN.4/1994/71 and Add.1).

3. At the 23rd meeting, on 15 February 1994, Mr. Awn Al-Khasawneh, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fifth session, introduced his report (E/CN.4/1994/70) to the Commission.

4. In the general debate on item 17, statements were made by the following members of the Commission: Australia (24th), Austria (25th), Brazil (24th), Bulgaria (24th), Canada (24th), Chile (24th), China (23rd), Cyprus (25th), Denmark (on behalf of Denmark, Finland, Iceland, Norway, and Sweden) (24th), France (25th), India (25th), Malaysia (24th), Mexico (25th), Netherlands (24th), New Zealand (23rd), Nigeria (24th), Republic of Korea (23rd), the Russian Federation (24th), United States of America (23rd).

5. The Commission heard statements by the observers for the following countries: Democratic People's Republic of Korea (25th), Egypt (25th), El Salvador (25th), Ukraine (25th).

6. The Commission also heard statements by representatives of the following non-governmental organizations: Anti-Slavery Society for the Protection of Human Rights (25th), Commission of the Churches on International Affairs of the World

Council of Churches (25th), Grand Council of the Crees (24th), Indian Council of South America (25th), Indian Institute for Non-Aligned Studies (24th), International Abolitionist Federation (25th), International Association for the Defence of Religious Liberty (24th), International Association of Democratic Lawyers (24th), International Association of Educators for World Peace (25th), International Fellowship of Reconciliation (25th), International Indian Treaty Council (26th), International Organization of Indigenous Resource Development (25th), Nordic Saami Council (24th), Third World Movement against the Exploitation of Women (25th), Women's International League for Peace and Freedom (25th), World Muslim Congress (25th).

7. Statements in exercise of the right of reply or its equivalent were made by the representatives of Bangladesh (24th), Egypt (25th) and the Sudan (25th).

8. At the 26th meeting, on 16 February 1994, the Chairman of the Sub-Commission at the forty-fifth session presented his conclusions.

9. At its 55th and 64th meetings, the Commission considered the draft resolutions and draft decision submitted under agenda item 17.

10. At the 55th meeting, the representative of Germany introduced draft resolution E/CN.4/1994/L.32, sponsored by Australia, Canada, Denmark*, Germany, Japan, Norway* and Sweden. The sponsors of the draft resolution were subsequently joined by Austria, Belgium*, Finland, Greece*, the Netherlands, Portugal*, Senegal*, Spain*, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

11. In accordance with rule 28 of the rules of procedure of the functional Commission of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications of the draft resolution.

12. The draft resolution was adopted without a vote.

13. For the text, see chapter II, section A, resolution 1994/23.

14. At the same meeting, the representative of the Netherlands introduced draft resolution E/CN.4/1994/L.34, sponsored by Ireland*, Netherlands, Poland, Portugal* and Romania. The sponsors of the draft resolution were subsequently joined by Nigeria.

15. Portugal later withdrew from the list of sponsors of the draft resolution.

16. The draft resolution was adopted without a vote.

17. For the text, see chapter II, section A, resolution 1994/24.

18. At the same meeting, the representative of the Netherlands introduced draft resolution E/CN.4/1994/L.35 sponsored by the Czech Republic, Iran (Islamic Republic of), Ireland*, Netherlands, the Philippines*, Poland, Portugal*, Romania, Slovakia* and the United States of America. The sponsors of the draft resolution were subsequently joined by Belgium*, Greece*, Nigeria, and the United Kingdom of Great Britain and Northern Ireland.

19. The draft resolution was adopted without a vote.

20. For the text, see chapter II, section A, resolution 1994/25.

21. In view of the adoption of resolution 1994/25 (see paras. 18-20), the Commission decided to take no action on draft resolution I, recommended for adoption by the Sub-Commission (see E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, chap. I, sect. A).

22. At the same meeting, the representative of Australia introduced draft resolution E/CN.4/1994/L.36, sponsored by Australia, Bolivia*, Brazil, Canada, Chile, Colombia, Denmark*, Greece*, Mexico, New Zealand* and Norway*. The sponsors of the draft resolution were subsequently joined by Nigeria and Slovakia*.

23. The draft resolution was adopted without a vote.

24. For the text, see chapter II, section A, resolution 1994/26.

25. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1994/L.37, sponsored by Canada, Colombia, Denmark*, Finland, Hungary, Norway* and Venezuela. Algeria*, Australia, Costa Rica, Cyprus, the Czech Republic*, El Salvador*, Germany, Greece*, the Islamic Republic of Iran, Ireland*, Japan, Latvia*, the Libyan Arab Jamahiriya, Nigeria, the Philippines*, Sweden*, the United Kingdom of Great Britain and Northern Ireland, and Turkey* subsequently joined the sponsors.

26. The representative of Canada orally revised the draft resolution by inserting a new paragraph between the second and third preambular paragraphs, reading: "Noting also the Centre for Human Rights publication Human Rights and Disabled Persons (United Nations publication, Sales No. E.92.XIV.4) by

Mr. Leandro Despouy, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the establishment of a mechanism such as an international ombudsman is proposed,".

27. A statement in connection with the draft resolution and the proposed amendment was made by the representative of Costa Rica.

28. The draft resolution, as orally revised, was adopted without a vote.

29. For the text as adopted, see chapter II, section A, resolution 1994/27.

30. At the same meeting, the representative of Denmark* introduced draft resolution E/CN.4/1994/L.38, sponsored by Australia, Belgium*, Bolivia*, Chile, Colombia, Cuba, Denmark*, Finland, Greece*, Iceland*, Italy, Mexico, New Zealand, Nicaragua*, Norway*, Portugal*, the Russian Federation and Sweden*. Cameroon, Canada, Ecuador and Nigeria subsequently joined the sponsors.

31. The representative of Denmark* orally revised the draft resolution by inserting a new paragraph between the first and second preambular paragraphs, reading: "Bearing in mind Articles 55 and 56 of the Charter of the United Nations in the context of all human rights of indigenous people;".

32. The draft resolution, as orally revised, was adopted without a vote.

33. For the text, see chapter II, section A, resolution 1994/28.

34. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1994/L.41, sponsored by Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark*, Finland, Greece*, Hungary, Mexico, New Zealand*, Norway*, the Russian Federation and Sweden*. Cyprus, Nigeria and Slovakia* subsequently joined the sponsors.

35. The draft resolution was adopted without a vote.

36. For the text, see chapter II, section A, resolution 1994/29.

37. In view of the adoption of resolution 1994/29 (see paras. 34-36), the Commission decided to take no action on draft decision 12, recommended for adoption by the Sub-Commission (see E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, chap. I, sect. B).

38. At the same meeting, the representative of the United States of America introduced draft decision E/CN.4/1994/L.33, sponsored by Australia, Germany, Greece*, Hungary, Kenya, the Netherlands, Poland, Romania, the Russian

Federation, the United States of America and Uruguay. Cyprus subsequently joined the sponsors.

39. Statements in connection with the draft decision were made by the representatives of Cuba, India, the Syrian Arab Republic and the United States of America.

40. Statements in explanation of their delegations' positions were made by the representatives of Cuba, Mexico and the Republic of Korea.

41. The draft decision was adopted without a vote.

42. For the text, see chapter II, section B, decision 1994/103.

43. In view of the adoption of decision 1994/103 (see paras. 38-42), the Commission decided to request the Sub-Commission to reconsider draft decisions 1, 2, 4, 8 and 13, which it had recommended for adoption (see E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, chap. I, sect. B).

44. At the same meeting, the Commission considered draft decision 6, recommended by the Sub-Commission (see E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, chap. I, sect. B).

45. The draft decision was adopted without a vote.

46. For the text, see chapter II, section B, decision 1994/104.

47. At the same meeting, the Commission considered draft decision 11, recommended by the Sub-Commission (see E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, chap. I, sect. B).

48. The representative of Brazil proposed that all references to "indigenous peoples" in the draft decision should be replaced by "indigenous people".

49. The representative of Australia proposed that the text should remain as it stood, with the expression "indigenous peoples".

50. The representative of India supported the proposal by the representative of Brazil.

51. The representative of Australia, not having pressed the proposal, agreed to the amendment by Brazil.

52. The draft decision, as amended by Brazil, was adopted without a vote.

53. For the text, see chapter II, section B, decision 1994/105.

54. At the same meeting, the Commission considered draft decision 14, recommended by the Sub-Commission (see E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, chap. I, sect. B).

55. The draft decision was adopted without a vote.

56. For the text, see chapter II, section B, decision 1994/106.

57. At the 64th meeting, the representative of Cuba introduced draft resolution E/CN.4/1994/L.30, sponsored by Angola, China, Colombia, Cuba, Ethiopia*, Guatemala*, Kenya, Lesotho, Mauritania, Nigeria, Peru, the Sudan, the Syrian Arab Republic, Uruguay and Venezuela.

58. The representative of Cuba orally revised the English text of the draft resolution as follows:

(a) Fourth preambular paragraph, replace the original text, which read as follows: "Reaffirming the need to adopt an integrated and balanced approach to the issues related to environment, development and human rights", by the following text: "Noting the need to adopt an integrated and balanced approach to the issues related to sustainable development, democracy and human rights".

(b) Sixth preambular paragraph, replace the original text which read as follows: "Considering the right to a healthy environment as an inalienable right and an integral part of all human rights and that it is the responsibility of all States to promote the right to life in an environmentally healthy world, through the protection and rational use of natural resources, non-pollution of water and air and the conservation of animals and plants" by the following text: "Conscious of the important work undertaken on environment and development issues by the Commission on Sustainable Development, the United Nations Environment Programme and other relevant forums".

(c) Seventh preambular paragraph, replace the original text which read as follows: "Reiterating the statement contained in the Vienna Declaration and Programme of Action that the right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations" by the following text: "Considering that the promotion of an environmentally healthy world contributes to the protection of the human rights to life and health of everyone, and reaffirming that in this connection States shall act in accordance with their common but differentiated responsibilities and respective capabilities".

(d) Eighth preambular paragraph, replace the original text, which read as follows: "Recognizing that the majority of current situations of environmental pollution, including the dumping of toxic and dangerous waste, originate in industrialized countries and that these countries bear the responsibility in combating such pollution in order to attain environmentally healthy living conditions, bearing especially in mind the vulnerability of certain peoples, populations, groups or categories of persons to environmental problems, particularly in developing countries" by the following text: "Recognizing that illicit dumping of toxic and dangerous substances and waste potentially constitute a serious threat to the human rights to life and health of everyone, bearing especially in mind the vulnerability and concern of developing countries, and that States should adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and waste, and cooperate in the prevention of illicit dumping".

(e) Ninth preambular paragraph, after "States", insert "have" and replace "development policies" by "developmental policies".

(f) Tenth preambular paragraph, replace the original text, which read as follows: "Reaffirming also the importance of international cooperation in the research and development of environmentally sound technologies, as well as the need to promote the transfer of such technologies, on favourable terms, to developing countries so that they may help to clean and protect the environment in accordance with their development programmes, national policies, regulations and legislation" by the following text: "Reaffirming also the importance of promoting, facilitating and financing, as appropriate, the access to and the transfer of environmentally sound technologies and corresponding know-how, in particular to developing countries, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, as well as the special needs of developing countries".

(g) Operative paragraph 1, replace the original text, which read as follows: "Reaffirms principle No. 1 of the United Nations Conference on the Human Environment (Stockholm, 5-16 June 1972) Declaration, which states that 'man has the fundamental right to freedom, equality and adequate conditions of life,

in an environment of a quality that permits a life of dignity and well-being, and he bears solemn responsibility to protect and improve the environment for present and future generations'" by the following text: "Reaffirms principle No. 1 of the Rio Declaration on Environment and Development, which states that human beings are at the centre of concerns for sustainable development and that they are entitled to a healthy and productive life in harmony with nature".

(h) Operative paragraph 2, replace the original text, which read as follows: "Reiterates the close link between the right to a healthy environment and the right to development, both at the national and the international level" by the following text: "Reiterates that the right to development must be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations".

(i) Operative paragraph 3, replace the original text, which read as follows: "Reaffirms that environmental damage has direct effects on the enjoyment of a series of human rights such as the rights to life, to health, to a satisfactory standard of living, to sufficient food, to housing, to education, to work, to culture, to non-discrimination, to dignity and the harmonious development of one's personality, to security of person and family, to development and to peace" by the following text: "Recognizes that environmental damage has potentially negative effects on human rights and the enjoyment of life, health and a satisfactory standard of living".

(j) Operative paragraph 4, at the end, replace the words "reflecting recognition and implementation of the right to a healthy environment as a universal human rights" by "reflecting the link between a healthy environment and the full enjoyment of human rights".

(k) Operative paragraph 5, replace the original text, which read as follows: "Stresses the need for developed countries, as those mainly responsible for the existing problems of pollution, to transfer state-of-the-art and environmentally sound technologies to developing countries in order to help them to clean and protect the environment in the implementation of their national development programmes" by the following text: "Recalls that everyone has the right to enjoy the benefit of scientific progress and its application, and calls

for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern".

(l) Operative paragraph 6, replace the original text, which read as follows: "Decides to appoint Mrs. Fatma Zohra Ksentini Special Rapporteur on human rights and the environment in order to monitor and examine present and future environmental problems affecting the full enjoyment of human rights" by the following text: "Also recalls chapter 33 of Agenda 21 on the provision of new and additional financial resources to developing countries to achieve sustainable development".

(m) Operative paragraph 7, replace the original text, which read as follows: "Requests the Special Rapporteur to prepare a series of practical recommendations on how to include the right to a healthy environment in the activities of human rights bodies, including working groups, special rapporteurs and bodies established by international human rights instruments" by the following text: "Endorses the request of the Sub-Commission to the Special Rapporteur to prepare a final report on human rights and the environment with conclusions and recommendations including recommendations for the follow-up, by the Commission of her work".

(n) Operative paragraph 8, replace the original text, which read as follows: "Also requests the Special Rapporteur to submit a report to the Commission on Human Rights at its fifty-first session and an interim report to the General Assembly at its forty-ninth session on the effects of environmental problems on the full enjoyment of human rights, as well as effective measures to be implemented in order to promote and protect these rights" by the following text: "Decides to continue its consideration of this question, including the recommendation of the Sub-Commission, at its fifty-first session under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and study of special problems which developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an

adequate standard of living; foreign debt, economic adjustment policies and their effect on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

59. In accordance with rule 28 of the rules of procedure of functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications of the draft resolution.

60. The draft resolution, as revised, was adopted without a vote.

61. For the text, see chapter II, section A, resolution 1994/65.

62. In view of the adoption of resolution 1994/65 (see paras. 56-60), the Commission decided to take no action on draft decision 5, recommended for adoption by the Sub-Commission (see E/CN.4/1994/2 - E/CN.4/Sub.2/1993/45, chap. I, sect. B).

63. The representative of Japan made a statement in explanation of vote on draft resolution E/CN.4/1994/L.30.